

INDICTMENT

THE STATE OF MISSISSIPPI

VERSUS

CAUSE NO. 2001-0118CR

WILLIE HEMPHILL

**INDICTMENT FOR THE OFFENSE OF
FELONY SHOPLIFTING §97-23-93**

**THE STATE OF MISSISSIPPI
COUNTY OF MONTGOMERY**

**IN THE CIRCUIT COURT OF MONTGOMERY COUNTY, OCTOBER 2001 TERM
Grand Jury Sworn and Empaneled October 1, 2001**

The Grand Jurors of the State of Mississippi, taken from the body of good and lawful citizens of said county, elected, summoned, empaneled, sworn and charged to inquire in and for the county aforesaid, at the term aforesaid of the Court aforesaid, in the name and by the authority of the State of Mississippi, upon their oath present that

WILLIE HEMPHILL

late of Montgomery County, Mississippi, on or about the 24th day of August, 2001, in the county and state aforesaid and within the jurisdiction of this Court, did wilfully, unlawfully and feloniously take possession of Two (2) cartons of New Port 100's cigarettes, a further and more complete description being to the Grand Jury unknown, which were held by, offered, or displayed for sale by Wal-Mart Stores of America, Inc., a corporation, d/b/a Wal-Mart Store #215, located in Winona, Mississippi, the said defendant having then and there the intention and purpose of converting said merchandise to his own use without paying the purchase price therefor, and the defendant having been at least twice previously convicted of shoplifting upon charges separately brought and arising out of separate incidents at different times within seven (7) years of August 24, 2001; such convictions more particularly described as follows:


1. Convicted of shoplifting on August 13, 1994, in the Municipal Court of Winona, Mississippi, as reflected in the records of said Court in Docket Book 1-9408-2696.
2. Convicted of shoplifting on December 17, 1996 in the Municipal Court of Winona, Mississippi, as reflected in the records of said Court in Docket Book 3-9608-4233.

FILED
OCT 01 2001
Julie H. Halfacre
JULIE H. HALFACRE, CIRCUIT CLERK
BY _____ D.C.

3. Convicted of shoplifting on December 17, 1996, in the Municipal Court of Winona, Mississippi, as reflected in the records of said Court in Docket Book 3-9608-4211.

all of the above being in violation of Miss. Code Ann., § 97-23-93, and against the peace and dignity of the state of Mississippi.

Endorsed: A True Bill


Foreman of the Grand Jury


Asst. District Attorney

THE STATE OF MISSISSIPPI

CAPIAS
Cause No.

2001-
0118CR

TO THE SHERIFF OF MONTGOMERY COUNTY - GREETINGS:

WE COMMAND YOU to take the bod yy of Willie Hemphill
cl/ CMRCF

Vaiden Mo

if to be found in your County, and he safely keep, so that you have him before our Circuit
Court, at the Court room thereof in the City of Winona, on October 8 at 10:00 A. M., 20 01

then and there to answer to the State of Mississippi, on a charge of Felony Shoplifting

HEREIN FAIL NOT, and have you then and there this Writ.

Witness, Julie Halfacre Clerk of our said Court, with the seal of
his office affixed, at Winona, Mississippi, this the 1st day of
October, 20 01.

Julie H Halfacre, Clerk
By Rose Seal, D. C.

INDICTMENT

THE STATE OF MISSISSIPPI

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WILLIE HEMPHILL

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FILED


OCT 01 2001

Julie H. Halfacre
JULIE H. HALFACRE, CIRCUIT CLERK
BY _____ D.C.

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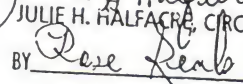
all of the above being in violation of Miss. Code Ann., § 97-23-93, and against the peace and dignity of the state of Mississippi.

Endorsed: A True Bill


Foreman of the Grand Jury


Asst. District Attorney

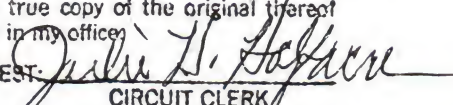
FILED

SEP 07 2001

JULIE H. HALFACRE, CIRCUIT CLERK
BY  D.C.

CERTIFYING STAMP

I hereby certify that the foregoing,
is a true copy of the original thereof
now in my office.

ATTEST:


CIRCUIT CLERK

BY: _____ D.C.

IN THE CIRCUIT COURT OF MONTGOMERY COUNTY
STATE OF MISSISSIPPI
No. 2001-0118CR

STATE OF MISSISSIPPI, Plaintiff
v.
WILLIE HEMPHILL, Defendant

ASSERTION OF RIGHT TO A SPEEDY TRIAL

COMES NOW, Willie Hemphill, by counsel, and asserts pursuant to the Fourth, Fifth, Eighth and Fourteenth Amendments to the United States Constitution; Article 3, §§ 5, 14, 15, 21, 22, 23, 24, 25, 26, 27, 28, 29, 31 & 32 of the Mississippi Constitution; and, Barker v. Wingo, 407 U.S. 514, 530, 92 S.Ct. 2182, 33 L. Ed. 2d 101 (1972), that the State of Mississippi give the defendant a speedy trial in this cause. In support thereof, defendant states as follows:

1. Defendant was arrested on a charge of felony shoplifting on or about August 24, 2001.
2. In accordance with the laws of this state and nation, the 6th Amendment to the United States Constitution and Article III Section 26 of the Mississippi Constitution, defendant is entitled to receive a speedy trial.

WHEREFORE, defendant moves that this Court grant to defendant a speedy trial in the above numbered and styled cause.

FILED

OCT 04 2001
JULIE H. HALFACRE, CIRCUIT CLERK

BY *[Signature]*

Respectfully Submitted:

H. Lee Bailey, Jr.
H. LEE BAILEY, JR.
Counsel for defendant

H. LEE BAILEY, JR.
MSB NO. 01691
P. O. BOX 133
WINONA, MISS. 38967
(662) 283-1177

CERTIFICATE OF SERVICE

I, H. Lee Bailey, Jr., do hereby certify that I have this day personally mailed a true and correct copy of the above and foregoing Motion to Require a Speedy Trial to the Hon. Walter Bleck, Assistant District Attorney, 5th Circuit Court District, P. O. Box 1262, Grenada, Mississippi 38902-1262.

This the 4 day of October, 2001.

H. Lee Bailey, Jr.
H. LEE BAILEY, JR.

FILED

OCT 04 2001

JULIE H. HALFACRE, CIRCUIT CLERK

BY Angela Boone D.C.

IN THE CIRCUIT COURT OF MONTGOMERY COUNTY
STATE OF MISSISSIPPI
No. 2001-0118CR

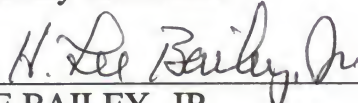
STATE OF MISSISSIPPI, Plaintiff
v.
WILLIE HEMPHILL, Defendant

MOTION FOR DISCOVERY

COMES NOW, defendant, Willie Hemphill, in the above styled and numbered cause, by and through counsel, and files this his motion for discovery and requests disclosure by the State of Mississippi without further court order of the following:

1. Names and addresses of all witnesses in chief proposed to be offered by the prosecution at trial, together with a copy of the contents of any statement, written, recorded or otherwise preserved of each such witness and the substance of any oral statement made by any such witness.
2. Copy of any written or recorded statement of the defendant and the substance of any oral statement made by the defendant.
3. Copy of the criminal record of the defendant, if proposed to be used to impeach.
4. Any reports, statements, or opinions of experts, written, recorded or otherwise preserved, made in connection with the particular case and the substance of any oral statement made by any such expert.
5. Any physical evidence and photographs relevant to the case or which may be offered in evidence.
6. Any exculpatory material concerning the defendant.

Respectfully submitted:



H. LEE BAILEY, JR.
Counsel for defendant

FILED

OCT 04 2001

JULIE N. HALFARE, CLERK

BY 

CERTIFICATE OF SERVICE

I, H. Lee Bailey, Jr., counsel for the defendant, do hereby certify that I have this day personally handed a true and correct copy of the above and foregoing motion for discovery to Hon. Walter Bleck, Assistant District Attorney, P. O. Box 1262, Grenada, Mississippi 38901.

This the 4 day of October, 2001.



H. LEE BAILEY, JR.

H. LEE BAILEY, JR.
ATTORNEY AT LAW
P. O. BOX 133
WINONA MISS. 38967
(662) 283-1177

FILED

OCT. 04 2001

JULIE H. BALFACRE, CIRCUIT CLERK

BY  J.C.

IN THE CIRCUIT COURT OF MONTGOMERY COUNTY
STATE OF MISSISSIPPI
No. 2001-0118CR

STATE OF MISSISSIPPI, Plaintiff
v.
WILLIE HEMPHILL, Defendant

DEMURRER

COMES NOW, Willie Hemphill, by counsel, and submits to this Court his demurrer to the indictment filed herein against him. The objections contained in this demurrer are for a defect appearing on the face of the indictment and shall be taken before the issuance of the venire facias in capital cases, and before a jury shall be impaneled in all other cases, Section 99-7-21 of the Mississippi Code of 1972, as amended. In support of his thereof, defendant assigns as grounds as follows:

1. The indictment fails to supply the information required by *Rule 7.06 URCCC*, and the indictment is so vague and ambiguous and does not apprise the defendant of the charge against him with sufficient specificity to permit him to adequately prepare with his defenses, and to plead any judgment in the instant cases as a bar to any later proceedings against him based on the same alleged offense in contravention of the double jeopardy clause of the Fifth Amendment to the United States Constitution made applicable to the states by the Fourteenth Amendment and Article 3, § 22 of the Mississippi Constitution.

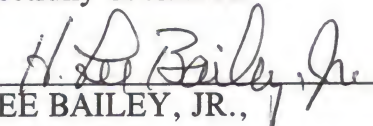
2. The prior convictions listed in the indictment are insufficient to sustain the charge against defendant in that:

(A) The first prior conviction relied on by the state is more than 7 years old and is to be disregarded pursuant to Section 97-23-93 (8) MCA.

(B) The third alleged conviction relied on by the state is not a conviction in City Court as alleged, but a preliminary hearing which was held by that court on December 17, 1997.

3. Since the indictment does not contain sufficient prior convictions, the indictment is defective.

Respectfully Submitted:


H. LEE BAILEY, JR.,
counsel for defendant

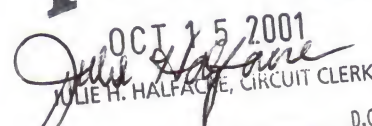
H. LEE BAILEY, JR.
MSB NO. 01691
P. O. BOX 133
WINONA, MISS. 38967
(662) 283-1177

CERTIFICATE OF SERVICE

I, H. Lee Bailey, Jr., do hereby certify that I have this day personally handed a true and correct copy of the above and foregoing Demurrer to the Hon. Walter Bleck, Assistant District Attorney, 5th Circuit Court District, P. O. Box 1262, Grenada, Mississippi 38902-1262.

This the 15th day of October, 2001.


H. LEE BAILEY, JR.

FILED
OCT 15 2001

JULIE H. HALFACRE, CIRCUIT CLERK
BY _____ D.C.

IN THE CIRCUIT COURT OF MONTGOMERY COUNTY, MISSISSIPPI

The Circuit Court of Montgomery County, Mississippi, having been duly opened on Wednesday, October 3, 2001, with His Honor, Judge Joseph H. Loper, Jr., Circuit Judge, Fifth Circuit Court District of Mississippi, presiding, the following transactions of business were had, to-wit:

CAUSE NO. 2001-0115-CR, ANGELA COFFEE, indicted on a charge of FIRST DEGREE ARSON, was arraigned and entered a plea of not guilty. The defendant was found to be indigent and unable to employ counsel in this matter. Honorable Lee Bailey was appointed as counsel. Said representation to continue until final disposition of this matter in this Court, or in the event of an appeal, through final disposition in the Supreme Court of Mississippi or the Court of Appeals, if assigned to said court. If this matter is appealed, all costs of appeal are assessed to Montgomery County. Bond was set at \$20,000.

CAUSE NO. 2001-0116-CR, CHRISTOPHER MERRITT A/K/A ERIC CHRIS MERRITT A/K/A CHRIS MERRITT, indicted on the charge of SALE OF SCHEDULE II CONTROLLED SUBSTANCE, TWO COUNTS, was arraigned and entered pleas of not guilty. The defendant was found to be indigent and unable to employ counsel in this matter. Honorable Lee Bailey was appointed as counsel. Said representation to continue until final disposition of this matter in this Court, or in the event of an appeal, through final disposition in the Supreme Court of Mississippi or the Court of Appeals, if assigned to said court. If this matter is appealed, all costs of appeal

are assessed to Montgomery County. Bond was set at \$5,000.

CAUSE NO. 2001-0117-CR, JOHN HEMPHILL, JR., indicted on a charge of BURGLARY OF A DWELLING, was arraigned and entered a plea of not guilty. The defendant was found to be indigent and unable to employ counsel in this matter. Honorable Lee Bailey, Montgomery County Public Defender, was appointed as counsel. Said representation to continue until final disposition of this matter in this Court, or in the event of an appeal, through final disposition in the Supreme Court of Mississippi or the Court of Appeals, if assigned to said court. If this matter is appealed, all costs of appeal are assessed to Montgomery County. Defendant is not eligible for bond.

CAUSE NO. 2001-0118-CR, WILLIE HEMPHILL, indicted on the charge of FELONY SHOPLIFTING, was arraigned and entered a plea of not guilty. The defendant was found to be indigent and unable to employ counsel in this matter. Honorable Lee Bailey was appointed as counsel. Said representation to continue until final disposition of this matter in this Court, or in the event of an appeal, through final disposition in the Supreme Court of Mississippi or the Court of Appeals, if assigned to said court. If this matter is appealed, all costs of appeal are assessed to Montgomery County. Bond was set at \$10,000.

CAUSE NO. 2001-0119-CR, QUINCY LOGGINS, indicted on the charge of MOTOR VEHICLE THEFT, was arraigned and entered a plea of not guilty. The defendant was found to be indigent and unable to employ counsel in this matter. Honorable Lee Bailey was appointed as counsel. Said representation to continue until

final disposition of this matter in this Court, or in the event of an appeal, through final disposition in the Supreme Court of Mississippi or the Court of Appeals, if assigned to said court. If this matter is appealed, all costs of appeal are assessed to Montgomery County. Bond was set at \$5,000.

CAUSE NO. 2001-0121-CR, MOSES FLOWERS, JR., indicted on a charge of POSSESSION OF CONTROLLED SUBSTANCE: COCAINE, was arraigned and entered a plea of not guilty. The defendant was found to be indigent and unable to employ counsel in this matter. Honorable Lee Bailey, Montgomery County Public Defender, was appointed as counsel. Said representation to continue until final disposition of this matter in this court, or in the event of an appeal, through final disposition in the Supreme Court of Mississippi or the Court of Appeals, if assigned to said court. If this matter is appealed, all costs of appeal are assessed to Montgomery County. Bond was set at \$25,000.

CAUSE NO. 2001-0068-CR, ADRIAN SANDERS, indicted on a charge of SHOOTING INTO A DWELLING HOUSE, was arraigned and entered a plea of not guilty. The defendant was found to be indigent and unable to employ counsel in this matter. Honorable Lee Bailey was appointed as counsel. Said representation to continue until final disposition of this matter in this court, or in the event of an appeal, through final disposition in the Supreme Court of Mississippi or the Court of Appeals, if assigned to said court. If this matter is appealed, all costs of appeal are assessed to Montgomery County. Bond was set at \$20,000.

CAUSE NO. 2001-0085-CR, MORRIS FORREST, indicted on a charge of SALE OF SCHEDULE II CONTROLLED SUBSTANCE, was arraigned and entered a plea of not guilty. The defendant was found to be indigent and unable to employ counsel in this matter. Honorable Ray Baum was appointed as counsel. Said representation to continue until final disposition of this matter in this Court, or in the event of an appeal, through final disposition in the Supreme Court of Mississippi or the Court of Appeals, if assigned to said court. If this matter is appealed, all costs of appeal are assessed to Montgomery County. Bond was denied.

CAUSE NO. 2001-0091-CR, MORRIS FORREST A/K/A BOOKE A/K/A BOOKIE, indicted on a charge of SALE OF SCHEDULE II CONTROLLED SUBSTANCE: COCAINE, was arraigned and entered a plea of not guilty. The defendant was found to be indigent and unable to employ counsel in this matter. Honorable Ray Baum was appointed as counsel. Said representation to continue until final disposition of this matter in this Court, or in the event of an appeal, through final disposition in the Supreme Court of Mississippi or the Court of Appeals, if assigned to said court. If this matter is appealed, all costs of appeal are assessed to Montgomery County. Bond was denied.

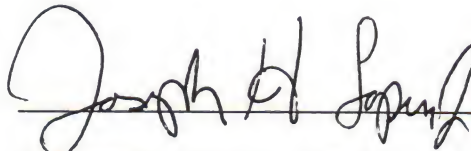
CAUSE NO. 2001-0081-CR, DANNY HOBBS, indicted on a charge of SALE OF COCAINE, A SCHEDULE II CONTROLLED SUBSTANCE, was arraigned and entered a plea of not guilty. The defendant was found to be indigent and unable to employ counsel in this matter. Honorable Ray Baum was appointed as counsel. Said

representation to continue until final disposition of this matter in this Court, or in the event of an appeal, through final disposition in the Supreme Court of Mississippi or the Court of Appeals, if assigned to said court. If this matter is appealed, all costs of appeal are assessed to Montgomery County. Bond was set at \$10,000.

CAUSE NO. 2001-0120-CR, CONSIMEON GROSS, indicted on a charge of POSSESSION OF MARIJUANA, was arraigned and entered a plea of not guilty. The defendant was found to be indigent and unable to employ counsel in this matter. Honorable Lee Bailey was appointed as counsel. Said representation to continue until final disposition of this matter in this Court, or in the event of an appeal, through final disposition in the Supreme Court of Mississippi or the Court of Appeals, if assigned to said court. If this matter is appealed, all costs of appeal are assessed to Montgomery County. Bond was set at \$10,000.

The Court does hereby Order that a copy of the within be both spread upon the Minutes of this Court and placed within each cause number file.

SO ORDERED this the 3rd day of October, 2001.



CIRCUIT COURT JUDGE

FILED
OCT 23 2001
JULIE H. HALLACRE, CIRCUIT CLERK
BY Eric A. Bone D.C.

To:

#2001-0118CR

Mrs. Halfarce; Legal Asst.; Informed me are (MSB)

URGENT

Page 1 of 2 Nov. 13, 2001

I, Willie Hemphill; No. 2001-0118CR: Would like to Request a different Public Defender because it is clear to me that Attorney; H. Lee Bailey, JR. ^{MSB NO. 01691} has and is not Representing me to the best of his Ability. Lee Bailey has tried to force me to take a Plea Bargain of 6-Months on an Indictment that is Defective; (On Oct. 3, 2001; I informed him that my Indictment was Defective). He has taken it upon himself to put my Case off until April 2002; because I wouldn't take the Plea Bargain and give him a bonus.

Attorney Lee Bailey has never even asked me Anything about what happened the day this Alleged Crime happened or anything else that may help in Defending me; He only wants to get me some time as a Personal Favor that Jerry Yates asked him to do which was heard by several Inmates that were Clients of Bailey's (I have names if you need them) On Oct. 15, 2001; when Bailey tried to force a Plea on me without even showing me Any Evidence presented by the State which I asked him for since Sept. 2001;

When he finally did draw up a Demurrer on Oct. 15, 2001; 12-Days after I had informed him and me missing 2-Court Dates to appear before the Judge, 10-8 + 10-11 ²⁰⁰¹; he made several mistakes in the Demurrer No. 2 (B) he Jump from 1st conviction to 3rd and put 1997 instead of 1996 as stated on my Indictment (2001-0118CR). I asked for a ~~Bond~~ ^{Bond} Reduction also I have been Incarcerated over 80-Days for 2-Cartons of Newspapers not even in evidence and

P. 2 of 2 Nov. 13, 2001

held on a \$10,000.00 Bond. I feel I am being
Denied Due Process by Ineffective Council H. Lee
Bailey, JR. MSB NO. 01691.

By Due Process; I should have appeared before
the Judge and had my case Dismissed; But Lee Bailey
has not allowed me to go in front of the Judge. On
my Indictment signed by you (Mrs. Halfacre) that the
State, County, and Sworn Grand Jury took oath to try me
on I have a Court Appearance Oct. 8, 2001 (10:00 A.M.)
Judge appointed Oct. 11, 2001; and Lee Bailey's Secretary told
me Oct. 18, 2001; that's 3-Different times Lee Bailey
Denied me Due Process and Failed to show me my
Motion of Discovery.

If my case cannot be Dismissed right
away; would you please appoint someone to
request me a Bond Reduction. I have over
80-Days in on a shoplifting charge that only holds
Hearsay as Evidence. \$10,000.00 is too much for
me to come up with; Please Respond to me
as soon as possible.

Thank You and God Bless You

P.S. I wrote D.A. Doug Evans of these action and
was told after my family went to talk to him that he
couldn't do anything unless My Attorney Brought this information
to him. Please Help Me; God knows This Is Not Right!

Misrepresented Willie Hemphill
Client Willie Hemphill

FILED

NOV 16 2001

JULIE H. HALFACRE, CIRCUIT CLERK

BY Rose Leach D.C.

8-28-2001
Lt. Small Testified at Preliminary Hearing that he returned
2-Cartons to ~~found~~ Picked up off the Ground to the store
at the time of this Alleged Crime, without Printing, Labeling, or Confiscating.

Willie Hemphill

C.M.R.C.F.

Rt 2 Box 240

Vaiden, Ms 39176



INMATE CORRESPONDENCE

CARROLL / MONTGOMERY REGIONAL
CORRECTIONAL FACILITY

RECEIVED
NOV 13 2001

NOV 14 2001

NOV 13 2001

JULIE H. HALFACRE, CIRCUIT CLERK

BY _____ D.C.



38987/0785

Julie Halfacre

Circuit Clerk (MSB)

P.O. Box 765

Winona, Ms 38967

Judge of the 5th District
Honorable; Judge Loper

Nov. 20, 2001

Request to the Circuit Court

My Attorney; H. Lee Bailey is refusing my calls and seems not to want to help me in any way with my Case. No. 2001-0118 CR. I would like to Request a Bond Reduction; My Bond is entirely too high and for Reasons not understood by me my Indictment was Defective and had a Court Date set for Oct. 8, 2001; which you changed to Oct. 11, 2001; My Bond is \$10,000.00 on a Shoplifting Charge, But the Items I am accused of Shoplifting are not in evidence. The Officers that arrested me Returned those Items to the Merchant after they found them on the Ground; they were never in my Possession. I have been in Jail 90-Days on this 10,000.00 Bond when my Case has been fouled-up so much by Improper Police Procedure and A Falsely Printed; Grand Jury Sworn Indictment that the Jurors took an oath to try me on that I can't stand Trial on as it is; Therefore, I Would like to Motion for a Dismissal or Bond Reduction. Would you Please Respond to this letter or have my \$10,000.00 Bond Reduced?

The 3-Prior Conviction listed on my Indictment
1) Convicted Aug 13, 1994; Municipal Court; Over 7-years old
2) Convicted Dec. 17, 1996; Municipal Court; Never Convicted that Day
3) Convicted Dec. 17, 1996; Municipal Court; Never Convicted that Day

Yours Truly; Willie Humphill

FILED

NOV 26 2001

Julie H. Halfacre
JULIE H. HALFACRE, CIRCUIT CLERK

BY Rose Reah D.C.

But My Case was
Not Heard

Willie Hemphill

C.M.R.C. F

Rt. 2 BOX 240

Vaiden, Ms 39176

INMATE CORRESPONDENCE

CARROLL / MONTGOMERY REGIONAL
CORRECTIONAL FACILITY

FILED

NOV 26 2001

JULIE H. HALFACRE, CIRCUIT CLERK

BY _____ D.C.

5th District Judge

% Julie Halfacre

Circuit Court Clerk's Office

P.O. BOX 765

Winona, Ms 38967



32567+0765



IN THE CIRCUIT COURT OF MONTGOMERY COUNTY
STATE OF MISSISSIPPI
No. 2001-0118CR

STATE OF MISSISSIPPI, Plaintiff
v.
WILLIE HEMPHILL, Defendant

PETITION TO ENTER PLEA OF GUILTY

The Defendant, after having been first duly sworn, on his/her oath represents and states unto the Court the following:

1. My full name is Willie Hemphill, and I am also known as _____ . I request that all proceedings against me be had in my true name. This petition has been read and explained to me by my lawyer, and I understand its contents.
2. I am represented by a lawyer, his name is H. Lee Bailey, Jr.
3. I wish to plead GUILTY to the charge(s) of felony shoplifting, Section 97-23-93.
4. I have told my lawyer all the facts and circumstances known to me about the charges against me. I believe that my lawyer is fully informed on all such matters. My lawyer has counseled and advised me on the nature of each charge, on any and all lesser-included charges, and on all possible defenses that I might have in this case.
5. My lawyer has advised me as to the probabilities of my conviction on the charge(s) with which I am charged and thoroughly discussed all aspects of my case with me. My lawyer has made no threats or promises of any types or kind to induce me to enter this plea of guilty, and the decision to seek the entry of this plea is my own and mine alone, based on my own reasons and free from any outside coercive influences.
6. I understand that I may plead Not Guilty to any offense charged against me. Also, I understand that, if I choose to plead Not Guilty, the Constitution guarantees me:
 - a. the right to a speedy and public trial by jury;

- b. the right to see, hear, face in open court all witnesses called to testify against me; and the right to cross-examine those witnesses.
- c. the right to use the power and process of the Court to compel the production of any evidence, including the attendance of any witness(es) in my favor;
- d. the right to have the assistance of a lawyer at all stages of the proceedings;
- e. the presumption of innocence, i.e., the State must prove beyond a reasonable doubt that I am guilty; and
- f. the right to take the witness stand at my sole option, and I understand that, if I do take the witness stand, the jury may be told that this shall not be held against me.

Knowing and understanding the Constitutional guarantee set forth in this paragraph, I hereby waive them and renew my desire to enter a plea of Guilty.

7. I know that if I plead Guilty to this (these) charge(s), the possible sentence is 0 (minimum) to 5 (maximum) years imprisonment per count and/or a fine of \$0.00 (minimum) to \$1,000.00 (maximum) per count or both on each count.

I also know that the sentence is up to the Court, and that the Court is not required to carry out any understanding made by me and my attorney with the District Attorney, and further, that the Court is not required to follow the recommendation of the District Attorney, if any. The District Attorney will take no part other than providing to the Court police reports and other factual information as requested by the Court, and the District Attorney shall make no recommendations to the Court concerning my sentence except as follows:

5 years; after serving 3 months and 22 days to be placed on post release supervision for 4 years 8 months; payment of all court costs, fees, assessments and restitution. *Credit for time served.*

8. I have been convicted of no felonies in this or any other state or of the United States, except as follows:

Shoplifting

9. I am ___ am not X presently on probation or parole. I understand that by pleading guilty in this case this may cause revocation of my probation or parole, and that this could result in a sentence of N/A years in that case. I further understand that if my probation or parole is revoked, any sentence in that case may be consecutive to or in addition to any sentence in this case.

11th 10. I am 30 years of age. I have gone to school up to and including the grade. My physical and mental health is presently satisfactory. At this time, I

am not under the influence of any kind of drugs or intoxicants except none

11. I declare that no officer or agent of any branch of government, Federal, State, or local, has made any promise or suggestion of any kind to me, or within my knowledge to anyone else, that I will receive a lighter sentence, or probation, or any other form of leniency if I plead Guilty, except those set forth in this plea bargain agreement.

12. I believe that my lawyer has done all that anyone could do to counsel and assist me. I AM SATISFIED WITH THE ADVICE AND HELP HE HAS GIVEN ME. I recognize that if I have been told by my lawyer that I might receive probation or a light sentence, this is merely his prediction and is not binding on the Court.

13. I plead Guilty and request the Court to accept my plea of Guilty and to enter my plea of Guilty on the basis of (set forth involvement in crime):
The allegations set forth in the indictment are true and correct.

14. I OFFER MY PLEA OF GUILTY FREELY AND VOLUNTARILY AND OF MY OWN ACCORD AND WITH FULL UNDERSTANDING OF ALL THE MATTERS SET FORTH IN THE INDICTMENT AND IN THIS PETITION AND IN THE CERTIFICATE OF MY LAWYER WHICH FOLLOWS.

15. In the event the Court places me on supervised probation or post conviction release status, I state for the record that I have fully read and understand and agree to the following terms thereof.

- a. commit no offense against the laws of this state or any state of the United States or of the United States;
- b. avoid injurious or vicious habits and avoid persons or places of disreputable or harmful character;
- c. support all dependents;
- d. work faithfully at suitable employment so far as possible.
- e. not possess or consume any alcoholic beverages, nor go into or remain about any place where alcoholic beverages are sold as a primary sale item, and not possess, or use any controlled substance not lawfully prescribed by a physician.
- f. submit to any type of breath, saliva or urine chemical analysis test, the purpose of which is to detect the possible presence of alcohol or any substance prohibited or controlled by the laws of this or any state of the United States or of the United States.
- g. report to the Department of Corrections as directed by it;
- h. permit the Field Officer to visit me at home or elsewhere;
- I. remain within the State of Mississippi unless authorized to leave on proper

application therefor;

j. waive extradition to the State of Mississippi from any jurisdiction in or outside the United States and agree not to contest any effort by any jurisdiction to return me to the State of Mississippi.

k. pay to the Department of Corrections the sum of \$^{35.00}~~25~~.00 per month by "certified check", or "money order" until discharged from supervision, and

l. pay restitution, attorney's fees, court costs and assessments as outlined above.

16. In the event that the Court places me on the intensive supervision program (house arrest), I state for the record that I have fully read, understand and agree to the following terms of intensive supervision:

(a) The participant shall remain within the interior premises or within the property boundaries of his or her residence at all times during the hours designated by the correctional field officer.

(b) Approved absences from the home may include, but are not limited to, the following:

(I) Working or employment approved by the court or department and traveling to or from approved employment;

(ii) Unemployed and seeking employment approved for the participant by the court or department;

(iii) Undergoing medical, psychiatric, mental health treatment, counseling or other treatment programs approved for the participant by the court or department;

(iv) Attending an educational institution or a program approved for the participant by the court or department;

(v) Participating in community work release or community service program approved for the participant by the court or department; or

(vi) For another compelling reason consistent with the public interest, as approved by the court or department.

(c) Any participant in the intensive supervision program who engages in employment shall pay a monthly fee to the department for each month such person is enrolled in the program. The department may waive the monthly fee if the offender is a full-time student or is engaged in vocational training.

(d) The participant shall admit any correctional officer into his residence at any time for purposes of verifying the participant's compliance with the conditions of his detention.

(e) The participant shall make the necessary arrangements to allow for correctional officers to visit the participant's place of education or employment at any time, based upon the approval of the educational institution or employer, for the purpose of verifying the participant's compliance with the conditions of his detention.

(f) The participant shall acknowledge and participate with the approved electronic monitoring device as designated by the department at any time for the purpose of

verifying the participant's compliance with the conditions of his detention.

(g) The participant shall be responsible for and shall maintain the following:

1. A working telephone line in the participant's home;
2. A monitoring device in the participant's home, or on the participant's person or both; and
3. A monitoring device in the participant's home and on the participant's person in the absence of a telephone.

(h) The participant shall obtain approval from the correctional field officer before the participant changes residence.

(I) The participant shall not commit another crime during the period of home detention ordered by the court or department.

(j) Notice shall be given to the participant that violation of the order of home detention shall subject the participant to prosecution for the crime of escape as a felony.

(k) The participant shall abide by other conditions as set by the department.

SIGNED AND SWORN TO BY ME on this the 18th day of December, 2001, with the full knowledge that every person who shall wilfully and corruptly swear, testify, or affirm falsely to any material matter under any oath, affirmation, or declaration legally administered in any matter, cause or proceeding pending in any court of law or equity shall, upon conviction, be punished as provided by law.

Willie Haygood
DEFENDANT

WITNESS:

H. Lee Bailey, Jr.
H. Lee Bailey, Jr., Attorney
for Defendant

STATE OF MISSISSIPPI

COUNTY OF ~~MONTGOMERY~~ Webster

SWORN TO AND SUBSCRIBED BEFORE ME, this the 18th day of
December, 2001.

Dorothy Hood Neal, Circuit Clerk
NOTARY PUBLIC
Webster Co.

MY COMMISSION EXPIRES:

1-5-2005

CERTIFICATE OF COUNSEL

The undersigned, as lawyer and counselor for the above Defendant, hereby certifies:

1. I have read and fully explained to the Defendant the allegations contained in the indictment in this case;
2. To the best of my knowledge and belief the statements, representations, and declarations made by the Defendant in the foregoing petition are in all respects accurate and true;
3. I have explained the minimum and maximum penalties for each count to the Defendant, and consider him/her competent to understand the charges against him/her and the effect of his/her petition to enter a plea of guilty;
4. The plea of Guilty offered by the Defendant in this petition accords with my understanding of the facts he/she related to me and is consistent with my advise to the Defendant.
5. In my opinion, the plea of Guilty as offered by the Defendant in this petition is voluntarily and understandingly made, and I recommend that this Court accept the defendant's plea.
6. Having discussed this matter carefully with the Defendant, I am satisfied, and I hereby certify that, in my opinion, he/she is mentally and physically competent; there is no mental or physical condition which would affect his/her understanding of these proceedings; further, I state that I have no reason to believe that he/she is presently operating under the influence of drugs or intoxicants. (Any exceptions to this statement should be stated by Counsel on the Record).

Signed by me in the presence of the Defendant above named and after full discussion of the contents of this certificate with the Defendant on this, the 18th day of December, 2001.



ATTORNEY FOR THE DEFENDANT

SSN 587-19-1768
RACE B
SEX M
DOB 9-10-71
PLACE OF BIRTH Montgomery Co.
LAST KNOWN RESIDENCE 612 Alice Lane,
Winona
ALIEN REGISTRATION/IMMIGRATION NO. (if applicable) _____
COUNTRY OF CITIZENSHIP USA
FBI, SID, ETC. # _____

FILED

DEC 18 2001

Julie H. Halfacre
JULIE H. HALFACRE, CIRCUIT CLERK
BY *Rose Seal* D.C.

CLARENCE E. MORGAN, III
CIRCUIT JUDGE
FIFTH JUDICIAL DISTRICT
P. O. Box 721
Kosciusko, Mississippi 39090

COUNTIES:
Attala
Carroll
Choctaw
Grenada
Montgomery
Webster
Winston

December 18, 2001

Tel. No. 662-289-2033
Facsimile: 662-289-2033
Court Reporter:
Linda F. Burchfield
662-258-7436
Court Administrator:
Patricia Stantz
662-289-2033

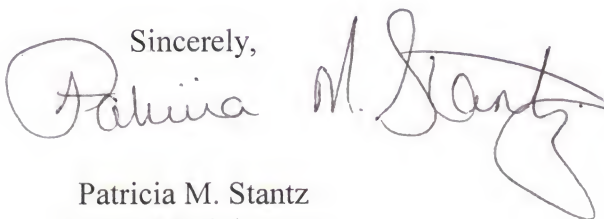
The Honorable Julie H. Halfacre
Circuit Court Clerk
Post Office Box 765
Winona, Mississippi 38967

Re: State vs. Willie Hemphill, Cause No. 2001-0118-CR

Dear Ms. Halfacre:

I have enclosed a judgement rendered this day in the above styled cause. Please file this judgement, and please stamp this letter to return to me for our files. If you have any questions, please call me. Thank you.

Sincerely,



Patricia M. Stantz
Court Administrator

ps

Enclosure

FILED

DEC 20 2001
Julie H. Halfacre
JULIE H. HALFACRE, CIRCUIT CLERK
BY Rose Seal D.C.

IN THE CIRCUIT COURT OF MONTGOMERY COUNTY, MISSISSIPPI
STATE OF MISSISSIPPI

VS

CAUSE NO. 2001-0118-CR

WILLIE HEMPHILL

JUDGEMENT

On December 18, 2001, in open court came the district attorney, the defendant in his own proper person and the defendant's counsel, the defendant having been charged by indictment with the **FELONY CRIME OF SHOPLIFTING**, and for plea thereto, the defendant entered a plea of guilty. Thereafter, the court advised the defendant of all his legal and constitutional rights in the premises, and of the consequences of such plea; and after the defendant freely, voluntarily and intelligently waived his constitutional rights, and after the defendant admitted upon direct questioning that he is guilty of the crime to which he has pleaded guilty, the said plea of guilty was and is accepted by the court.

IT IS, THEREFORE, ORDERED that the defendant, WILLIE HEMPHILL, be and he is hereby sentenced to serve a term of five (5) years with the Mississippi Department of Corrections. After the defendant has served a period of three (3) months and twenty-two (22) days, the Mississippi Department of Corrections is hereby ordered to place him in a program of post-release supervision pursuant to Section 47-7-34 of the Mississippi Code of 1972 for a period of four (4) years and two hundred fifty-three (253) days, provided the defendant has abided by all of the rules and regulations of the Mississippi Department of Corrections during his period of incarceration. The defendant is ordered to pay restitution, all court costs, fees, and assessments in this matter.

The defendant is to be given credit for time served.

The following are terms of supervised probation and post-release supervision:

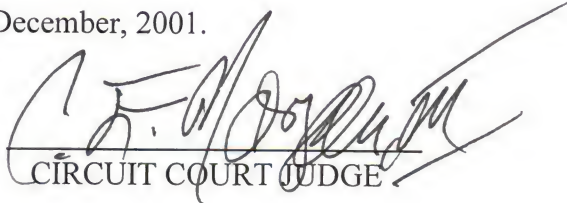
(a) commit no offense against the laws of this or any state of the United States or of the United States;

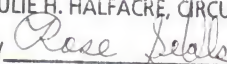
HH 586

- (b) avoid injurious or vicious habits and avoid persons or places of disreputable or harmful character;
- (c) support all dependents;
- (d) work faithfully at suitable employment so far as possible;
- (e) not possess or consume any alcoholic beverage, nor go into or remain about anyplace where alcoholic beverages are sold as a primary sale item, and not possess or use any controlled substance not lawfully prescribed by a physician;
- (f) submit to any type of breath, saliva or urine chemical analysis test, the purpose of which is to detect the possible presence of alcohol or any substance prohibited or controlled by the laws of this or any state of the United States or of the United States;
- (g) report to the Department of Corrections as directed by it;
- (h) permit the Field Officer to visit him at home or elsewhere;
- (i) remain within the State of Mississippi unless authorized to leave on proper application therefor;
- (j) waive extradition to the State of Mississippi from any jurisdiction in or outside the United States and agree not to contest any effort by any jurisdiction to return defendant to the State of Mississippi;
- (k) pay to the Department of Corrections the sum of \$30.00 per month by "certified check" or "money order" until discharged from supervision;
- (l) pay restitution, attorney's fees, court costs and assessments as outlined above.
- (m) The defendant is not to operate a motor vehicle until he/she has been issued a valid driver's license.

The defendant is remanded to the custody of the Sheriff to await transportation.

SO ORDERED this the 18th day of December, 2001.


CIRCUIT COURT JUDGE

FILED
DEC 20 2001
Julie H. Halfacre
JULIE H. HALFACRE, CIRCUIT CLERK
BY  D.C.

HH 587

STATE OF MISSISSIPPI

In the Circuit Court of: Montgomery County. Cause/Case No. 2001-0118CR

TO THE MISSISSIPPI DEPARTMENT OF CORRECTIONS:

NOTICE OF CRIMINAL DISPOSITION

You are hereby notified that at the Vacation 2001 term of the Circuit Court, Judge Clarence E Morgan III presiding, the following disposition was imposed for the crime(s) hereinafter described:

I. A. Disposition(s) Reported: ☒ Prisoner Commitment ☐ Suspended Sentence/Probation ☐ Acquittal/Dismissal ☐ Provisional Sentence
(Check all that apply) (Complete A-1 if checked)

A-1. Provisional Sentence (Compliance/Non-Compliance Order constitutes Final Disposition) ☐ Non-Adjudication ☐ Sentenced under RID ☐ Sentenced under Shock Probation
☐ Bad Check Diversionary Program ☐ Restitution Center in _____ County

B. Conviction as Result of: ☒ Guilty Plea ☐ Guilty Plea after _____ days of Commencement of trial
☐ Jury Verdict after _____ days in trial ☐ Revocation Hearing

II. Name Willie Hemphill Alias n/a
SSN 587-19-1768 Race Black Sex Male Date of Birth 9/10/71
Last Known Residence 612 Alice Ln, Winona MS 38967
Place of Birth Montgomery Co, MS Country of Citizenship USA
Alien Registration/Immigration # _____ FBI # _____

III. Count I Charge Felony Shoplifting
MS Code § 97-23-93 Orig. Case# _____ Agency _____
Count II Charge _____
MS Code § _____ Orig. Case# _____ Agency _____
*Count III Charge _____
MS Code § _____ Orig. Case# _____ Agency _____

IV. Date of Sentence December 18, 2001 Credit for Time Served (ONLY for this/these charge(s)) _____

Sentence(s) Initially Imposed by Order: Count I 5 yrs; Count II _____; *Count III _____

*Check if reporting additional Counts on Reverse Side	Portion of Sentence to be Served (Yrs/Mos)	Portion of Sentence Suspended (Yrs/Mos)	To be served on Probation (Yrs/Mos)	Other Disposition (See Legend on Reverse Side)
Count I	<u>3 mos & 22 days</u>		<u>4 yrs & 253 days of post-release supervision</u>	
Count II				
*Count III				

_____ to run concurrent with _____
_____ to run consecutive with _____

Conditions/Designation of Sentence: ☐ Habitual ☐ Psychological/Psychiatric ☐ Alcohol/Drug Treatment/Testing ☐ Other _____

V. Confined in Jail _____ to _____
[On This/These _____ to _____
Charges Only] _____ to _____
Released on Bond Pending Appeal _____ to _____
Defendant Currently Housed in: _____

VI. Fine \$ _____ Indigent Fee \$ _____ Restitution \$ _____
Court Costs \$ 270.50 Attorney Fees \$ _____ Other Fees \$ _____
Conditions of Payment - defendant to be given credit for time served. To pay all court costs, fees, assessments and restitution.

Send Prisoner Commitments, Provisional Sentence

Orders and Revocation Orders to:

Director of Records	INS Liaison
MDOC	MS Supreme Court
P. O. Box 88550	P. O. Box 117
Pearl, MS 39208-8550	Jackson, MS 39205-0117

Send Suspended Sentence/Probation Notices, Provisional

Sentence Orders and Revocation Orders to:

Data Operations	INS Liaison
MDOC	MS Supreme Court
723 North President St.	P. O. Box 117
Jackson, MS 39202-3097	Jackson, MS 39205-0117

Acquittal/Dismissal Notices to: INS Liaison (Above Address).

Julie H Halfacre
Circuit Clerk
By: Rose Seal, DC
Date: December 20, 2001

STATE OF MISSISSIPPI
DEPARTMENT OF CORRECTIONS
RECORDS DEPARTMENT

Date: DECEMBER 21, 2001

Honorable CLARENCE MORGAN

District 5

P.O. BOX 721

KOSCIUSKO, MS 39090

RE: Name: WILLIE HEMPHILL

Register Number: R0677

Offense(s): SHOPLIFTING

County of Conviction: MONTGOMERY

Cause Number(s): 2001-0118CR

Dear Judge _____

This letter is to serve as official notification of the imminent release of the above named subject. In accordance with House Bill #565 to amend 47-7-17 of the Mississippi Code, 1972, we are required by law to inform you that the prisoner named above will be released on EXPIRATION SENTENCE on DECEMBER 21, 2001.

Please forward immediately direct to this office, any commitments not reflected in the above cause number.

Respectfully,

Cheryl Britt
Director of Records

CB/LS

cc:

DISTRICT ATTORNEY
P.O. BOX 1262
GRENADA, MS 38902

CIRCUIT CLERK
P.O. BOX 765
WINONA, MS 38967

MONTGOMERY CO SHERIFFS DEPT.
P.O. BOX 346
WINONA, MS 38967

POLICE DEPT.
608 SUMMIT ST
WINONA, MS 38967

FILED

DEC 21 2001

JULIE H. HALFACRE, CIRCUIT CLERK

BY _____ D.C.

P.O. BOX 880 * PARCHMAN, MISSISSIPPI 38738

IN THE CIRCUIT COURT OF MONTGOMERY COUNTY, MISSISSIPPI

STATE OF MISSISSIPPI

v.

No. 2001-0118-CR

WILLIE HEMPHILL

DEFENDANT'S PLEA OF GUILTY IN OPEN COURT IN WALTHALL,
MISSISSIPPI, ON DECEMBER 18, 2001, BEFORE HIS HONOR, JUDGE
CLARENCE E. MORGAN, III, CIRCUIT JUDGE, FIFTH CIRCUIT
DISTRICT OF THE STATE OF MISSISSIPPI, TO A FELONY CHARGE OF
SHOPLIFTING.

APPEARANCES:

Present and Representing the State:

HONORABLE WALTER BLECK

ASSISTANT DISTRICT ATTORNEY

GRENADA, MISSISSIPPI

Present and Representing the Defendant:

HONORABLE LEE BAILEY

MONTGOMERY COUNTY PUBLIC DEFENDER

WINONA, MISSISSIPPI

FILED

JAN 16 2002

JULIE H. HALFACRE, CIRCUIT CLERK

BY Rose Reab D.C.

Reported by Linda F. Burchfield, C.S.R. #1019

1 (THE DEFENDANT WAS SWORN BY THE CLERK OF WEBSTER
2 COUNTY IMMEDIATELY PRIOR TO THE START OF THESE PROCEEDINGS.)

3 BY THE COURT: This is cause number 2001-118,
4 State of Mississippi versus Willie Hemphill. It is out of
5 the Circuit Court of Montgomery County. He is charged with
6 the felony crime of shoplifting. He has heretofore entered
7 a plea of not guilty to this cause. He is now before the
8 Court on a petition to enter a plea of guilty. He is
9 represented by Lee Bailey. Mr. Bailey, did you prepare this
10 petition for the Defendant?

11 BY MR. BAILEY: Yes, sir.

12 BY THE COURT: Did you go over it with him and
13 explain it to him?

14 BY MR. BAILEY: Yes, sir.

15 BY THE COURT: Did you tell him what the State
16 would have to prove in order to convict him of this charge?

17 BY MR. BAILEY: Yes, sir.

18 BY THE COURT: Did you discuss-- wait a minute.
19 Did you tell him he is charged with felony shoplifting?

20 BY MR. BAILEY: Yes, sir.

21 BY THE COURT: Did you tell him what the State
22 would have to prove in order to convict him of that?

23 BY MR. BAILEY: Yes, sir.

24 BY THE COURT: Did you discuss with him possible
25 defenses that he might have?

26 BY MR. BAILEY: Yes, sir.

27 BY THE COURT: Did he read this petition, or did
28 you read it to him?

29 BY MR. BAILEY: I read it to him, and he read it

1 himself.

2 BY THE COURT: Did you explain to him his
3 constitutional rights as contained in paragraph six of the
4 petition?

5 BY MR. BAILEY: Yes, sir.

6 BY THE COURT: And the fact that he would waive
7 those by entering a plea of guilty?

8 BY MR. BAILEY: Yes, sir.

9 BY THE COURT: Did you explain to him the minimum
10 and maximum sentence on this charge?

11 BY MR. BAILEY: Yes, sir.

12 BY THE COURT: Do you think his change of plea is
13 free and voluntary?

14 BY MR. BAILEY: Yes, sir.

15 BY THE COURT: Mr. Hemphill, how old are you?

16 BY THE DEFENDANT: Thirty.

17 BY THE COURT: How much education do you have?

18 BY THE DEFENDANT: Eleventh.

19 BY THE COURT: Can you read and write?

20 BY THE DEFENDANT: Yes, sir.

21 BY THE COURT: Did you read the petition to enter
22 a plea of guilty?

23 BY THE DEFENDANT: Yes, sir.

24 BY THE COURT: Did you understand it?

25 BY THE DEFENDANT: Yes, sir.

26 BY THE COURT: Are the things in it true?

27 BY THE DEFENDANT: Yes, sir.

28 BY THE COURT: Did you sign it?

29 BY THE DEFENDANT: Yes, sir.

1 BY THE COURT: Before I can accept your plea of
2 guilty, there are certain of your constitutional rights
3 which I must advise you of and which you will waive by
4 entering a plea of guilty. Do you understand you have the
5 right to a public and speedy trial by jury?

6 BY THE DEFENDANT: Yes, sir.

7 BY THE COURT: Do you understand you have the
8 right to call into court witnesses to testify for you?

9 BY THE DEFENDANT: Yes, sir.

10 BY THE COURT: Do you understand you have the
11 right to cross-examine anybody that testifies against you?

12 BY THE DEFENDANT: Yes, sir.

13 BY THE COURT: Do you understand that you have
14 the right to testify but that you also have the right not
15 to?

16 BY THE DEFENDANT: Yes, sir.

17 BY THE COURT: Do you understand if you don't
18 testify, I will tell the jury they can't hold that fact
19 against you?

20 BY THE DEFENDANT: Yes.

21 BY THE COURT: Do you understand you have a right
22 to a lawyer at all stages of the prosecution?

23 BY THE DEFENDANT: Yes, sir.

24 BY THE COURT: Do you understand that I will
25 instruct the jury that they must presume that you are
26 innocent until such time as the State proves your guilt
27 beyond a reasonable doubt?

28 BY THE DEFENDANT: Yes, sir.

29 BY THE COURT: Do you understand that all twelve

1 jurors would have to find you guilty beyond a reasonable
2 doubt before they could return a verdict against you?

3 BY THE DEFENDANT: Yes, sir.

4 BY THE COURT: Do you understand if you were
5 convicted by a jury, you would have a right to appeal that
6 conviction to the Mississippi Supreme Court, and if you
7 couldn't afford the costs of the appeal, I would appoint an
8 attorney to represent you, and all the costs would be paid
9 by the state?

10 BY THE DEFENDANT: Yes, sir.

11 BY THE COURT: Do you understand you waive all
12 those rights by entering a plea of guilty?

13 BY THE DEFENDANT: Yes, sir.

14 BY THE COURT: Do you understand that you are
15 charged with felony shoplifting?

16 BY THE DEFENDANT: Yes, sir.

17 BY THE COURT: Have you talked to Mr. Bailey about
18 that?

19 BY THE DEFENDANT: Yes, sir.

20 BY THE COURT: Did he tell you what the State
21 would have to prove in order to convict you of that?

22 BY THE DEFENDANT: Yes, sir.

23 BY THE COURT: Did he discuss with you possible
24 defenses that you might have?

25 BY THE DEFENDANT: Yes, sir.

26 BY THE COURT: Are you satisfied with his
27 representation of you?

28 BY THE DEFENDANT: Yes, sir.

29 BY THE COURT: After your discussions with him, is

1 it your own decision to enter a plea of guilty?

2 BY THE DEFENDANT: Yes, sir.

3 BY THE COURT: Has anybody threatened you, coerced
4 you, or used any physical violence against you to get you to
5 enter a plea of guilty?

6 BY THE DEFENDANT: No, sir.

7 BY THE COURT: Has anybody promised you anything,
8 given you anything of value or any hope of reward in order
9 to get you to enter a plea of guilty?

10 BY THE DEFENDANT: No, sir.

11 BY THE COURT: Are you presently under the
12 influence of drugs or alcohol or undergoing any mental
13 treatment?

14 BY THE DEFENDANT: No, sir.

15 BY THE COURT: Do you understand that there is no
16 minimum sentence for this charge and a maximum sentence of
17 five years; no minimum fine and a maximum fine of a thousand
18 dollars?

19 BY THE DEFENDANT: Yes, sir.

20 BY THE COURT: I will hear from the State on the
21 factual basis of the charge.

22 BY MR. BLECK: Thank you, Your Honor. Should
23 cause number 2001-0018-CR go to trial, the State would prove
24 that Mr. Willie Hemphill, late of Montgomery County,
25 Mississippi, on the 24th day of August, 2001, in Montgomery
26 County, Mississippi, and within the jurisdiction of this
27 Court, did willfully, unlawfully and feloniously take
28 possession of two cartons of Newport 100 cigarettes of the
29 property of Wal-Mart Stores of America, Inc., doing

1 business as Wal-Mart Store number 215 in Winona,
2 Mississippi, having then and there the intention to convert
3 said merchandise to his own use without paying the price
4 therefore, and he has had within the past seven years of
5 August the 24th, 2001, two convictions, at least two
6 convictions for shoplifting; one of those being a conviction
7 on August 13, 1994, in the Municipal court of Winona,
8 Mississippi, as reflected in Docket Book number 1-9408-2696;
9 a conviction on the 17th of December, 1996, in the Municipal
10 Court of Winona as reflected in Docket Book 3-9608-4233; and
11 a conviction for shoplifting 17th day of December, 1996, as
12 reflected in the Municipal Court of Winona's Docket Book
13 number 3-9608-4211.

14 **BY THE COURT:** You have heard what the State
15 intends to prove in the event this case would go to trial.
16 Did you do those things?

17 **BY THE DEFENDANT:** Yes, sir.

18 **BY THE COURT:** Are you pleading guilty to these
19 charges because you are, in fact, guilty of them?

20 **BY THE DEFENDANT:** Yes, sir.

21 **BY THE COURT:** You expect the State to make a
22 recommendation as to the type sentence you should receive.
23 Do you understand I don't have to accept that and may
24 instead impose any sentence allowed by law?

25 **BY THE DEFENDANT:** Yes, sir.

26 **BY THE COURT:** Do you understand nobody can
27 guarantee you any early release, probation or parole? If
28 you are sentenced to a term of incarceration, you might have
29 to serve the whole thing?

1 BY THE DEFENDANT: Yes, sir.

2 BY THE COURT: On the charge of felony
3 shoplifting, how do you plead -- guilty or not guilty?

4 BY THE DEFENDANT: Guilty.

5 BY THE COURT: Mr. Bailey, do you know of any
6 reason I shouldn't accept the Defendant's plea?

7 BY MR. BAILEY: No, sir.

8 BY THE COURT: I find that the Defendant's plea is
9 freely and voluntarily given, that there is a factual basis
10 for the charge, and I accept the Defendant's plea of guilty.
11 Has the State got a recommendation?

12 BY MR. BLECK: Yes, Your Honor, if I could see the
13 petition for one second. (Pause) Okay, he is to be
14 sentenced to serve a term of five years in the custody of
15 the Mississippi Department of Corrections. After having
16 served three months and 22 days, he is to be placed on post
17 release supervision for the remaining four years and eight
18 months, to pay all court costs, fees, assessments and
19 restitution, and it is part of our agreement that he be
20 given credit for any time he has served.

21 BY THE COURT: Is that your understanding?

22 BY MR. BAILEY: Yes, sir.

23 BY THE COURT: Is that your understanding?

24 BY THE DEFENDANT: Yes, sir.

25 BY THE COURT: Okay. I will accept that
26 recommendation. I sentence you to five years with the
27 Mississippi Department of Corrections. After you have
28 served three months and 22 days of that sentence, I order
29 that you be placed on four years post release supervision

1 for a period of -- you are going to make me do the math,
2 aren't you? (Pause) Four years and 253 days. I order you
3 to pay costs, fees, and restitution. Is there restitution?

4 BY MR. BAILEY: No, sir.

5 BY THE COURT: Costs and fees associated with this
6 charge. By law, you are entitled to credit for time served.
7 Did you read paragraph 15 of the petition which are the
8 terms and conditions of your post release supervision?

9 BY THE DEFENDANT: Yes, sir.

10 BY THE COURT: Do you understand if you violate
11 those, you will have to go serve the four years and 253
12 days?

13 BY THE DEFENDANT: Yes, sir.

14 BY MR. BAILEY: Judge, I was talking to the parole
15 officer this morning, and he said that if the words "credit
16 for time served" is included in the order, that Mr. Hemphill
17 will be able to get out immediately instead of waiting to be
18 processed through the M.D.O.C.

19 BY THE COURT: Okay. We need to put that in the
20 judgment. Immediately is going to mean when I get this
21 judgment done.

22 BY MR. BAILEY: Right.

23 BY THE COURT: -- which will probably be this
24 week. Okay.

25 PROCEEDINGS CONCLUDED
26
27
28
29

COURT REPORTER'S CERTIFICATE

STATE OF MISSISSIPPI

COUNTY OF MONTGOMERY

I, Mrs. Linda F. Burchfield, Official Court Reporter for the Fifth Circuit Court District of the State of Mississippi, do hereby certify that the foregoing 9 pages are a true, correct, complete and full transcription of my stenotype notes and tape recording taken in this matter, and that I have transcribed the same to the best of my skill and ability.

I do further certify that my certificate annexed hereto applies only to the original certified transcript. The undersigned assumes no responsibility for the accuracy of any reproduced copies not made under my control or direction.

This the 7th day of January, 2002.

Linda F. Burchfield

LINDA F. BURCHFIELD, C.S.R. 1019

Official Court Reporter

46 Still Water Circle

Eupora, Mississippi 39744

MISSISSIPPI DEPARTMENT OF CORRECTIONS
AFFIDAVIT

VIOLATION OF SUPERVISION

CAUSE NO. 2001-0118-CR

Before me C. E. Morgan, III, Judge of the 5th Court in and for Montgomery County, Mississippi, personally came Ellis Bevis, Field Officer, who, being first duly sworn, says that Willie Hemphill, offender herinafter referred to as the aforesaid, on the 18th Day of December 2001, entered a plea of Guilty to the offense of Felony Shoplifting in the 5th Circuit Court of Montgomery County, which Court withheld adjudication of guilt and imposition of sentence and placed the aforesaid under the supervision of the Mississippi Department of Corrections for a term of 4 years 253 days of Post Release Supervision Year(s), in accordance with the provision of **MISSISSIPPI CODE OF 1972, ANNOTATED, SECTION 99-15-26.**

It Further appearing that the aforesaid has not properly conducted him self, but has violated the conditions of his supervision in a material respect by:

Condition G: Report to MS Dept. of Corrections as directed to wit: Hemphill last reported as directed on 1/2/02 and has not reported again as of this date;

Condition H: Permit his Field Officer to visit him at home or elsewhere to wit: Several attempts to locate Hemphill at his last stated place of residence have been unsuccessful and his whereabouts are unknown;

Condition K: Pay monthly Supervision Fees to MS Dept. of Corrections to wit: as of this date Hemphill owes \$150.00 in back supervision fees to MS Dept. of Corrections;

Condition L: Pay Court Ordered fines and fees to the Clerk to wit: Hemphill has made no payments and owes the Clerk's Office a total of \$270.50;

Ellis Bevis

FIELD OFFICER

SWORN TO AND SUBSCRIBED BEFORE ME THIS 20 DAY OF May A.D. 2002

C. E. Morgan
JUDGE OF THE 5th COURT
IN AND FOR Montgomery COUNTY

CERTIFYING STAMP

I hereby certify that the foregoing is a true copy of the original thereof now in my office.

ATTEST:

Julie H. Halfack
CIRCUIT CLERK

BY: Bevis D.C.

FILED

JUN 03 2002

Julie H. Halfack
JULIE H. HALFACK, CIRCUIT CLERK

BY: Bevis D.C.

MISSISSIPPI DEPARTMENT OF CORRECTIONS
WARRANT FOR ARREST OF OFFENDER

CAUSE NO. 2001-0118-CR

IN THE NAME OF THE STATE OF MISSISSIPPI, AND PEACE OFFICERS OF THE
STATE OF MISSISSIPPI

WHEREAS, Ellis Bevis has made oath before me that on the 18th Day of December A.D. 2001, one Willie Hemphill MDOC# R0677 herinafter referred to as the aforesaid, entered a plea of Guilty to the offense of Felony Shoplifting in the 5th Court of Montgomery County, which Court withheld adjudication of guilt and imposition of sentence and placed him under supervision of the Mississippi Department of Corrections for a term of 4 years 253 days of Post Release Supervision Year(s) in accordance with the provisions of **MISSISSIPPI CODE 1972, ANNOTATED, SECTIONS 47-7-33 & 47-7-35 & 99-15-26.**

It further appearing that the aforesaid has not properly conducted him self, but has violated the conditions of his supervision in a material respect by:

Condition G: Report to MS Dept. of Corrections as directed to wit: Hemphill last reported as directed on 1/2/02 and has not reported again as of this date;

Condition H: Permit his Field Officer to visit him at home or elsewhere to wit: Several attempts to locate Hemphill at his last stated place of residence have been unsucessfull and his whereabouts are unknown;

Condition K: Pay monthly Supervision Fees to MS Dept. of Corrections to wit: as of this date Hemphill owes \$150.00 in back supervision fees to MS Dept. of Corrections;

Condition L: Pay Court Ordered fines and fees to the Clerk to wit: Hemphill has made no payments and owes the Clerk's Office a total of \$270.50;

FILED

JUN 03 2002

JULIE H. HALFACRE, CIRCUIT CLERK

BY Bevis D.C.

You are hereby authorized to arrest instanter the aforesaid and bring him before me to be dealt with according to law.

GIVEN UNDER MY HAND AND SEAL THIS 20 DAY OF May 2002.

C. E. M. Oph, M
JUDGE OF THE 5th COURT
IN AND FOR Montgomery COUNTY

CERTIFYING STAMP

I hereby certify that the foregoing is a true copy of the original thereof now in my office.

ATTEST:

Julie H. Halfacre
CIRCUIT CLERK

BY: Bevis D.C.

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